

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1 and 4-10 remain in the application. Claims 2 and 3 were canceled earlier in the prosecution. Claim 1 has been amended to define the invention more clearly.

Claims 1, 4-8 and 10 were rejected under 35 USC 102(b) as being anticipated by Reising et al. (US 4,681,580). Claim 9 was rejected under 35 USC 103(a) as being obvious over Reising et al. The Examiner stated that the Reising et al. reference discloses a disposable wearing article 10 with a back region 30 having extensibility in the waist direction and having stoppers 38 at both ends in the waist direction. The Examiner further asserted that the Reising et al. reference has an abdominal region 31 with flaps 39, 40, 41 at both ends in the waist direction. Additionally, the Reising et al. reference was considered to have an absorber 14 that bridges between the back region and the abdominal region. The Examiner concluded that FIG. 1 of Reising et al. discloses that the length of the back region in the waist direction when no force is applied from an outside is almost equal to the length of the abdominal region in the waist direction when no force is applied to the abdominal region from the outside. Additionally, the Examiner concluded that the portion of Reising et al. at col. 6, lines 31-41 teach that the stretchable waist can be present on the front, back or both waist regions. The Examiner concluded that the back region is stretched longer than a maximum length of the abdominal region in those circumstances where the stretchable elastic feature is present only on the back region.

At the outset, it is noted that the portion of Reising et al. referred to in the office action indicates that the preferred construction of the disposable diaper 10 has

waistshields/waistbands in both front waist portion 33 and rear waist portion 32. However, the Reising et al. reference also explains that when only one waistshield/waistband 18 is present in the disposable diaper, it is preferably in front waist portion 33. Thus, Reising et al. implies that placement of the waistband in the front waist region is necessary, but the placement of the waistband in the back waist region is not necessary. Providing the stretchable waistband in both front waist portion 33 and rear waist portion 32 or alternatively "when only one waist shield/waistband 18 is present in disposable diaper 10, it is preferably in front waist portion 33" is contrary to the motivation that would be required to bring the skilled artisan to the claimed invention where the back region has higher extensibility than the abdominal region.

FIG. 1 of Reising et al. shows the state of a diaper before the elastically expansible waistband member is permitted to contract, as explained at col. 3, lines 13-19. Thus, FIG. 1 of Reising et al. shows that the stretched length of the back region is equal to the stretched length of the front region. Accordingly, FIG. 1 of Reising et al. is inconsistent with clear limitations of claim 1 as previously presented.

The Examiner has focused on the sentence of Reising et al. beginning at col. 6, line 29 where Reising et al. states that the waistshield/waistband 18 is provided "at either or both" of the front end segment 45 and the rear end segment 47. The Examiner then jumped from this statement to the conclusion that the back region of Reising et al. could be stretched to a length that exceeds the maximum length of the abdominal region. However, if FIG. 1 is considered to show a diaper where the waistshield/waistband 18 is provided only at the back, then the back of the Reising et al. diaper would be much shorter in the waist direction when the waist shield/waistband 18 the back is permitted to contract.

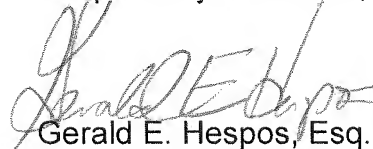
Even with this hypothetical proposed by the Examiner, the stretched state of the waistshield/waistband 18 in the back would result in the FIG. 1 condition where the maximum length of the stretched back region in the waist direction equals the length of the non-elastic front region in the waist direction. Nothing in Reising et al. suggests an arrangement where "a length of the back region in the waist direction when the back region is stretched is longer than a maximum length of the abdominal region that can be achieved in the waist direction" and an arrangement where "the length of the back region in the waist direction when no force is applied to the back region from an outside is almost equal to the length of the abdominal region in the waist direction or shorter than the length of the abdominal region in the waist direction when no force is applied to the abdominal region from the outside."

Notwithstanding the preceding comments, claim 1 has been amended to distinguish more clearly over Reising et al. In this regard, the disposable wearing article of amended claim 1 has "an independently-made back region" and "an independently made abdominal region that is made independently of the independently-made back region." The disposable wearing article of amended claim 1 then includes "an absorber that connects the independently-made back region and the independently-made abdominal region. The Reising et al., reference on the other hand, has a single inner sheet 12 and a single outer sheet 16 each of which extends continuously from the back region to the front region of the diaper. These two unitary sheets are disposed on opposite top and bottom sides of the absorbent core. The Reising et al. reference has no suggestion of an independently-made back region, an independently-made abdominal region and an absorber that connects the independently-made back region and the independently-made

abdominal region. These limitations regarding the independence of the back region and the abdominal region when considered in view of the previously presented limitations regarding the lengths of the back region and the abdominal region in the waist direction result in manufacturing efficiencies and savings in material costs. Forming the back region and the abdominal region with unitary extensions therebetween results in complex cutting and wastage. However, the "independently-made back region and the independently-made abdominal region" enable the disposable wearing article to be made very efficiently with the limitation that the "length of the back region in the waist direction when the back region is stretched is longer than a maximum length of the abdominal region that can be achieved in the waste direction" while also having the length of the back region when no force is applied as being equal to or shorter than the length of the abdominal region when no force is applied. The structure defined by amended claim 1 and its dependent claims is not taught or suggested by Reising et al.

In view of the preceding amendments and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicant's at the number below to expedite the prosecution of this application.

Respectfully submitted,



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Date: June 5, 2009